

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

VINCENT BEST, §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-11-11
§
KEITH ROY, §
§
Respondent. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO GRANT RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

On June 14, 2011, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion to dismiss and his motion for summary judgment, (D.E. 17, 20), be granted and that the petition, (D.E. 1), be dismissed with prejudice in all respects. On July 1, 2011, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion to dismiss and his motion for summary judgment are granted and the petition is dismissed with prejudice in all respects.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 5th day of July, 2011.



Janis Graham Jack
Senior United States District Judge